

REMARKS

Claims 1 to 11 are in the application.

With respect to the objection to the specification, the Examiner will note that the application has been amended to insert the appropriate headings.

As required in the office action, an abstract of the disclosure has been provided which avoids legal phraseology.

Also, the specification has been amended to remove references to the claims.

Reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. 112, second paragraph, are respectfully requested.

The Examiner will note that the claims have been extensively amended to remove the problems pointed out by the Examiner in the Office Action.

Reconsideration and withdrawal of the rejection of claims 1-4, 10 and 11 under 35 U.S.C. 102(a) as being anticipated by Heselhaus are also respectfully requested.

Applicant has noted that the Examiner has indicated that claims 7 and 8 would be allowable if rewritten in independent form; however, Applicant respectfully submits that the claims in the application are allowable over the art of record. In the reference to Heselahaus it is Applicant's positions that the embodiments shown in Figs. 7 through 11, on the one hand, and in Fig. 12, on the other hand, are the relevant embodiments since, in this case, the inner rear window part of the rear roof part, which is the inner window part as seen in vehicle travel direction, are not connected to lateral linkages (70), as is the case in Figs. 1 through 6.

In order to distinguish the present invention over the reference relied on by the Examiner in rejecting the claims, claim 1 has been amended to include the feature that the rear window of the roof is mounted relatively far towards the front so that the rear window is not moved upwardly when the frame parts are moved upwardly.

Support for this feature added to claim 1 can be found in the specification, page 5, paragraph two.

Accordingly no new matter has been added.

Claim 1 of the present application is distinguished over the reference relied on by the Examiner because the reference does not show the feature according to which the rear window is mounted between the fins and does not have to be moved upwardly when the frame parts are moved upwardly. This means that the drives for this movement can be substantially smaller. Only a small torch is required for moving these frame parts upwardly.

Accordingly, it is submitted that it is clear from the above that the claims of the present application are patentable over the art of record.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By:

Friedrich Kueffner
Friedrich Kueffner
Reg. No. 29,482
317 Madison Avenue, Suite 910
New York, New York 10017
(212) 986-3114

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on September 12, 2007.

By: Friedrich Kueffner
Friedrich Kueffner

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